

State of California  
AIR RESOURCES BOARD

**EXECUTIVE ORDER W-10-001**

Relating to ARB Approval of Third Party Certifiers under  
Section 93120.4, Title 17, California Code of Regulations

**Composite Panel Association**

WHEREAS, the Air Resources Board (ARB) has adopted the “Airborne Toxic Control Measure to Reduce Formaldehyde Emissions from Composite Wood Products” (the “ATCM”; title 17, California Code of Regulations, sections 93120 – 93120.12), which establishes formaldehyde emission standards for composite wood products;

WHEREAS, section 93120.3(b) of the ATCM requires that manufacturers of composite wood products must verify compliance with the formaldehyde emission standards by using a third party certifier approved by ARB;

WHEREAS, the ATCM requires third party certifiers to: 1) verify the accuracy of the emission test procedures and facilities used by composite wood product manufacturers to conduct formaldehyde emission tests; 2) monitor manufacturer quality assurance programs; and 3) provide independent audits and inspections;

WHEREAS, section 93120.4 of the ATCM sets forth the process for the ARB Executive Officer to approve third party certifiers;

WHEREAS, section 93120.4(b)(1) of the ATCM requires that applications to become ARB-approved third party certifiers must be submitted to the Executive Officer in writing and must contain: 1) evidence of actual field experience in the verification of laboratories and wood products, to demonstrate how applicants will be able to competently perform the requirements for third party certifiers of composite wood products listed in section 93120.12, Appendix 3, of the ATCM; 2) evidence of the ability to properly train and supervise inspectors; 3) evidence of a current “product certification agency” accreditation; and 4) a list of the composite wood products that the applicant is applying to verify and evidence that the applicant is qualified to verify these products;

WHEREAS, the Composite Panel Association (the “applicant”) submitted an application dated April 14, 2008;

WHEREAS, the application was deemed complete on April 14, 2008;

WHEREAS, the application indicates that the applicant has a contractual agreement to use the company listed in Attachment A to this Executive Order as a subcontractor for the tasks listed in Attachment A.

WHEREAS, section 93120.4(b)(4) of the ATCM provides that the Executive Officer shall approve the application and issue an Executive Order if the evidence submitted by the applicant is sufficient to demonstrate that the applicant can competently perform the tasks specified in section 93120.12, Appendix 3, of the ATCM;

WHEREAS, the Composite Panel Association was issued Executive Order W-08-001, signed on May 14, 2008;

WHEREAS, the Composite Panel Association submitted an application for re-approval to ARB on April 14, 2010;

WHEREAS, the application for re-approval from the Composite Panel Association was deemed complete on April 28, 2010;

WHEREAS, the Executive Officer approved the Composite Panel Association's request for re-approval, it is appropriate that Executive Order W-08-001 be superseded by this Executive Order W-10-001;

WHEREAS, the Executive Officer finds that the evidence submitted by the applicant meets the criteria specified in section 93120.4(b)(4) of the ATCM to be re-approved;

NOW, THEREFORE, IT IS ORDERED that the Composite Panel Association is hereby approved as a third party certifier and is issued the following number designating them as an ARB-approved third party certifier: **TPC-1**.

BE IT FURTHER ORDERED that the Composite Panel Association is an ARB-approved third party certifier for the following composite wood products: Hardwood Plywood, Particleboard, and Medium Density Fiberboard.

BE IT FURTHER ORDERED that this approval is subject to the following conditions:

1. The Composite Panel Association must provide their ARB-approved third party certifier number to each manufacturer it has subcontracted with for services, as specified in section 93120.12, Appendix 3, of the ATCM.
2. The Composite Panel Association and their subcontract laboratory listed in Attachment A, must participate in an inter-laboratory study of their primary and/or secondary chamber facilities.

3. To carry out their functions as a third party certifier under this Executive Order, the Composite Panel Association must not use any subcontractor other than that listed in Attachment A. If the Composite Panel Association wishes to use a subcontractor that is not listed in Attachment A, the Composite Panel Association must submit a request to the Executive Officer in writing and must provide evidence to demonstrate that the subcontractor can competently perform the tasks for which it is employed. The Composite Panel Association shall not use the new subcontractor unless the Executive Officer approves the request in writing.
4. The Composite Panel Association shall immediately notify the Executive Officer if any accreditation or certification provided in support of their initial application is renewed, allowed to expire, or revoked within the duration of this Executive Order.

BE IT FURTHER ORDERED that this Executive Order shall have a duration of two years from the date it is executed; within 120 days of the expiration of this Executive Order, the third party certifier may apply for re-approval by submitting an updated application to the Executive Officer as provided in section 93120.4 of the ATCM.

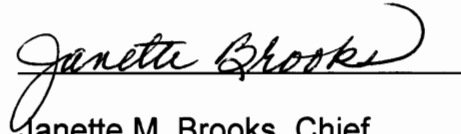
BE IT FURTHER ORDERED that the Executive Officer may review and, for good cause, modify or revoke this Executive Order as provided in section 93120.4(d) of the ATCM. The Executive Officer shall not modify or revoke this Executive Order without affording the third party certifier the opportunity for a hearing in accordance with the procedures specified in title 17, California Code of Regulations, section 60055.1 et seq.

BE IT FURTHER ORDERED that the third party certifier must maintain records in electronic or hard copy form for two years, for review by ARB upon request, as specified in section 93120.12, Appendix 3, of the ATCM.

BE IT FURTHER ORDERED that on or before March 1 of each year, the third party certifier must provide an annual report to ARB for the previous calendar year, as specified in section 93120.12, Appendix 3, of the ATCM.

BE IT FURTHER ORDERED that the third party certifier must notify the Executive Officer in writing within 30 days of any change in their ability to carry out the responsibilities of this Executive Order, or of any change to their subcontractor.

Executed at Sacramento, California this 10<sup>th</sup> day of May, 2010.

A handwritten signature in black ink, reading "Janette Brooks", written over a horizontal line.

Janette M. Brooks, Chief  
Air Quality Measures Branch  
Stationary Source Division

## Attachment A

Subcontractors enlisted by the Composite Panel Association

Executive Order W-10-001

Company Name	Company Contact Information	Subcontractor Function
Forintek	<b>FPIinnovations - Forintek Western Region</b> 2665 East Mall Vancouver, BC Canada V6T 1W5 Telephone: (604) 224-3221 Fax: (604) 222-5690	Accredited Laboratory